

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ROBERT FIREMAN and ANN RAIDER,

Plaintiffs,

v.

Civil Action No. 05-11740-MLW

NEWS AMERICA MARKETING IN-STORE,  
INC.,

Defendant.

**JOINT STATEMENT OF COUNSEL REGARDING  
SETTLEMENT AND POTENTIAL SUMMARY JUDGMENT MOTION**

Pursuant to the Court's May 30, 2006 Scheduling Order (Document 11), counsel for the parties were instructed to report to the Court by June 21, 2007 on the prospects for settlement and whether either party feels there is a proper basis for filing a motion for summary judgment.

Counsel for all parties hereby report to the Court that they have met to explore the merits of the case, but at the present time Defendant News America Marketing In-Store, Inc. ("NAM") does not believe that the parties will be able to reach a settlement. Counsel for the Plaintiffs is willing to participate in mediation. NAM does not believe that mediation would be productive in the absence of a reasonable settlement demand, which has yet to be made in NAM's estimation.

NAM believes that there are strong grounds for a motion for summary judgment dismissing the action. These grounds are set forth, in part, in Section IV (pp. 26-31) of NAM's Opposition to Plaintiffs' Motion to Compel Responses to Discovery Requests from Defendant, filed on June 4, 2007.

ROBERT FIREMAN and ANN RAIDER

By their attorneys,

/s/ Kevin T. Peters

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NEWS AMERICA MARKETING IN-STORE,  
INC.

By its attorneys,

/s/ Gordon P. Katz

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Dated: June 21, 2007  
Boston, Massachusetts

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 21<sup>st</sup> day of June, 2007.

/s/ Gordon P. Katz

Gordon P. Katz